

STATE OF OKLAHOMA v. TYSON FOODS

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February 5, 2007

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel. W.A.  
4 DREW EDMONDSON, in his capacity as  
5 ATTORNEY GENERAL OF THE STATE OF  
6 OKLAHOMA and OKLAHOMA SECRETARY  
7 OF THE ENVIRONMENT C. MILES TOLBERT,  
8 in his capacity as the Trustee for  
9 NATURAL RESOURCES FOR THE  
10 STATE OF OKLAHOMA,

11 Plaintiffs,

12 vs.

13 No. 05-CV-0329 TCK-SAJ

14 (1) TYSON FOODS, INC.,  
15 (2) TYSON POULTRY, INC.,  
16 (3) TYSON CHICKEN, INC.,  
17 (4) COBB-VANTRESS, INC.,  
18 (5) AVIAGEN, INC.,  
19 (6) CAL-MAINE FOODS, INC.,  
20 (7) CAL-MAINE FARMS, INC.,  
21 (8) CARGILL, INC.,  
22 (9) CARGILL TURKEY PRODUCTION, LLC,  
23 (10) GEORGE'S, INC.,  
24 (11) GEORGE'S FARMS, INC.,  
25 (12) PETERSON FARMS, INC.,  
26 (13) SIMMONS FOODS, INC., and  
27 (14) WILLOW BROOK FOODS, INC.,

28 Defendants,

29 CARGILL TURKEY PRODUCTION, LLC,

Third Party Plaintiff,

vs.

30 CITY OF WESTVILLE and CITY OF  
31 TAHLEQUAH,

32 Third Party Defendants,

33 and

34 TYSON FOODS, INC., TYSON POULTRY,  
35 INC., TYSON CHICKEN, INC.,  
36 COBB-VANTRESS, INC., GEORGE'S, INC.,  
37 GEORGE'S FARMS, INC., PETERSON FARMS,  
38 INC., SIMMONS FOODS, INC., and  
39 WILLOW BROOK FOODS, INC.,

40 Third Party Plaintiffs,

41 vs.

42 CITY OF TAHLEQUAH, et al.,

43 :

44 Third Party Defendants.

45 REPORTED BY: CHERYL J. O'MEILIA, C.S.R.

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1 A I'm not a lawyer, so, I'm sorry.

2 Q Yeah. Yeah.

3 So the -- the title you did identify as the  
4 interrogatories and request for production. I'll  
5 represent to you these were a set that Cargill  
6 Turkey production served on the State.

7 A Okay.

8 Q Document requests. And we can mark  
9 that for an exhibit, that's fine. We can mark it  
10 Exhibit 3 to your deposition and you can keep that  
11 -- that copy up there.

12 And I'll ask again, just to clarify for the  
13 record, you were not involved in producing or  
14 pulling documents responsive to these requests;  
15 were you?

16 A Specifically, to this one?

17 Q Right.

18 A No.

19 Q Okay. Thank you. If you'll hand it down  
20 there, we'll just mark it.

21 A Okay.

22 Q And we'll move on from there.

23 (Defendants' Exhibit-03 marked for  
24 identification.)

25 Q (BY MS. HILL) In the document

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1 A Yes.

2 Q Okay. And, also, I represent to you that  
3 in -- State has previously produced to us certain  
4 deeds in their initial production of documents. Do  
5 you know if those were reproduced here?

6 MR. GARREN: Objection to form of the  
7 question. It assumes that he knows what  
8 documents you're referring to.

9 Q (BY MS. HILL) Do you know whether --  
10 do you know the nature of the documents that the  
11 State produced, which were referred to as land  
12 records of the Oklahoma Scenic Rivers  
13 Commission, previously to us in this case?

14 A I recall discussing with Kelly Hunter  
15 Birch --

16 Q Uh-huh.

17 A -- those deeds for lands that either we  
18 own as an agency, or we maintain management  
19 through a cooperative lease with the Oklahoma  
20 Department of Wildlife Conservation.

21 Q I just want to make sure that we don't  
22 re-copy something we already have.

23 A Okay.

24 Q And find out if there's anything in  
25 addition that's perhaps been added to those since

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1 production that is being made here, are land  
2 records being produced, deeds or otherwise?

3 A Let me just -- no, didn't --

4 THE WITNESS: (To Mr. Garren) What  
5 were you saying?

6 MR. GARREN: She asked whether you  
7 were involved with pulling any of the documents.  
8 How do you know what was involved if you hadn't  
9 read it?

10 A Well, I haven't read it, so I wouldn't  
11 know. I want to retract the "no." I would surmise  
12 that probably your interrogatories are very similar  
13 to this other document, so I would say there's  
14 going to be some duplication there that would go  
15 to these questions.

16 Q I understand. And this is an answer  
17 you're giving us after your conversation with Mr.  
18 Garren here off the record. And we'll note that  
19 you have not read or reviewed these -- this Exhibit  
20 3; correct?

21 A Correct.

22 Q Thank you.

23 I was asking about whether any land  
24 records, deeds, or otherwise, have been produced  
25 in this production here today?

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1 that initial production was made?

2 A The Oklahoma Scenic Rivers Commission  
3 has not obtained any additional lands since the  
4 Dorothy Usdin gift of about four years ago for 37  
5 acres in the Dog Hill area.

6 Q Are those land records kept in a  
7 particular file, then?

8 A Let me back up, please. We received a  
9 donation of approximately an acre of land at Eldon  
10 Bridge from Jerry Catron and his wife on or about  
11 that same period of time, so one may be earlier  
12 than the other, so I want to make sure I'm not  
13 misrepresenting.

14 Q And those were four years ago, the time  
15 frame?

16 A Approximately four years ago.

17 Q Are those land -- land records kept in a  
18 particular file?

19 A Some are kept in the OSRC access areas  
20 files and then some are kept specifically under the  
21 landowner that transferred title to the agency  
22 through a fee simple gift -- fee simple purchase or  
23 a gift.

24 Q Did you make any effort to cull those  
25 documents that were previously culled in this